

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

SELECT TIMBER PRODUCTS LLC;
FINISH INNOVATIONS LLC; BRET
MORGAN; MATHEW MORGAN; AND
JASON K. SCARLETT,

Plaintiffs,

v.

STEVE F. RESCH, JR.; TIMOTHY
CONYARD; AND CEDAR DIRECT
MINNESOTA LLC,

Defendants.

Case No. 3:17-cv-00541-HZ

**DECLARATION OF PHILIP J.
NELSON IN SUPPORT OF
UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A
RESPONSE TO PLAINTIFF'S
COMPLAINT AND MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

(April 26, 2017)

I, Philip J. Nelson, state as follows:

1. I am one of the attorneys for defendant Steve F. Resch, Jr. ("Resch") in this matter. I make this Declaration based on facts known to me. I am over the age of 18 and competent to testify herein.

2. This Declaration is submitted in support of Mr. Resch's Unopposed Motion For Extension Of Time To File a Response to Plaintiff's Complaint (Dkt. #1) and Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. #4) in the above-captioned matter.¹

¹ Plaintiff's pending motion for provisional process is hereafter referred to as the "Companion Motion."

3. Mr. Resch was served with the Complaint and Companion Motion on April 9, 2017. As such, Mr. Resch's Answer or responsive pleading to the Complaint is presently due on **May 1, 2017**.

4. As for the Companion Motion, a review of the case docket on ECF shows that Mr. Resch's response was initially due on April 19, 2017. On behalf of Mr. Resch, the undersigned filed an Unopposed Motion to extend that discrete due date on April 18, 2017, seeking an extension to **April 26, 2017** (Dkt. #13), which has not yet been ruled on by the Court.

5. On April 25, 2017, I conferred with counsel for Plaintiff regarding this Motion to Extend. During the conferral, counsel informed me that Plaintiff does not oppose this Motion to Extend on the above terms, and for the reasons detailed below.

6. The reasons supporting this request for an extension of time is that the Plaintiff and defendant Resch have reached a settlement of this litigation (between these two parties alone), and are presently in the process of exchanging formal settlement documents regarding the same; as such, the parties desire to focus their attention to resolving this matter, and not in expending additional resources in litigating this matter between these two parties.

7. This Motion is made in good faith and not for the purpose of delay.

8. This is the second request for an extension and no prior requests have been denied.

**I HEREBY DECLARE THAT THE ABOVE STATEMENT IS
TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND
THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN
COURT AND IS SUBJECT TO PENALTY FOR PERJURY.**

Dated this 26th day of April, 2017.

SLINDE NELSON STANFORD

By: /s/ Philip J. Nelson
Philip J. Nelson, OSB #013650
*Of Attorneys for Defendant Steve F. Resch,
Jr.*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DECLARATION OF PHILIP J. NELSON IN SUPPORT OF UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT AND MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION** on:

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Of Attorneys for Plaintiffs

by the following indicated method(s):

- ☒ by notice of electronic filing using the CM/ECF system (LR 100.7(a)(2)).
- ☐ by **faxing** full, true, and correct copies thereof to said attorney to the fax number noted above, which is the last-known fax number for said attorney, on the date set forth below.
- ☐ by **emailing** full, true, and correct copies thereof to said attorney to the email address noted above, which is the last known email address for said attorney, on the date set forth below.
- ☐ by causing full, true and correct copies thereof to be **mailed** to the attorney(s) at the attorney(s) last-known office address(es) listed above on the date set forth below.

Dated this 26th day of April, 2017.

SLINDE NELSON STANFORD

By: /s/ Philip J. Nelson
Philip J. Nelson, OSB #013650
Keith Pitt, OSB #973725
Of Attorneys for Defendant Steve F. Resch, Jr.